

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CRM-M No.34784 of 2024
Date of decision : 22.7.2024

Balbir Singh.....Petitioner

Versus

State of Punjab and another.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Navjeet Singh, Advocate, for the petitioner

Mr. Rajiv Verma, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of order dated 6.12.2023 (Annexure P-3) vide which the petitioner has been declared proclaimed person in complaint no. NACT/943/2021 dated 30.11.2021, under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1).

2. Learned counsel for the petitioner would submit that the petitioner has never received any notice/summons from the Court. The address of the petitioner on the complaint has been wrongly mentioned. The trial Court has failed to proceed according to the procedure laid down in Sections 82 and 83 Cr.P.C. Vide order dated 18.10.2023 (Annexure P-2), publication was issued against the accused for 6.12.2023, on which date he was declared a proclaimed person.
3. Learned counsel for the petitioner before this Court undertakes that he is ready and willing to surrender before the trial Court to associate in the trial proceedings within a period of 10 days from today itself.
4. In the light of above, having regard to the reasons mentioned in the petition as well as argued before this court and the undertaking given

by learned counsel for the petitioner that he is ready and willing to surrender before the trial Court seems to be *bona fide*, and this Court is duly convinced that the absence of the petitioner is neither intentional nor deliberate.

5. Accordingly, the petitioner is directed to surrender before the trial Court within a period of 10 days. In case at the time of surrender, an application for regular bail is moved by the petitioner, the same may be considered and decided by the Court in accordance with law preferably on that very day itself.

6. However, the aforesaid release shall be subject to the payment of costs to the tune of ₹10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, which has not only resulted in delay of trial proceedings but has also wasted the time of the Court as well as has caused harassment to the complainant on account of such conduct of the petitioner attributed directly to him though may be *bona fide* on his part. Receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

7. In view of the above, the petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

22.7.2024
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No